

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA §
§
v. § CRIMINAL NO. 4:05CR215
§
JOHN CHRISTOPHER CAFFEY §

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 30, 2012, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Jay Combs.

On July 21, 2006, Defendant was sentenced by the Honorable Richard Schell, United States District Judge, to a sentence of 46 months imprisonment followed by a three-year term of supervised release for the offense of Felon in Possession of a Firearm. On February 17, 2010, the conditions of supervised release were modified as follows: Under the guidance and direction of the U.S. Probation Office, the defendant shall participate in any combination of psychiatric, psychological, or mental health treatment as deemed appropriate by the treatment provider. Defendant began his term of supervision on March 15, 2011.

On August 30, 2012, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the "Petition") (Dkt. 36). The Petition asserts that Defendant violated

the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall refrain from any unlawful use of a controlled substance. Defendant shall submit to one drug test within 15 days of release from imprisonment or placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer; and (3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.

The Petition alleges that Defendant committed the following violations: (1) On February 14, 2012, Defendant appeared in the County Court at Law No. 3 in Smith County, Texas, and entered a plea of guilty to the reduced offense of Class C Misdemeanor Theft, Cause No. 003-82576-11. Defendant was ordered to pay a fine in the amount of \$200, and court costs in the amount of \$216.00. Defendant was placed on unsupervised deferred adjudication for 90 days. On June 20, 2012, Defendant was convicted of the offense of Resisting Arrest in Panola County, Texas, Cause No. 27359-C. Defendant was sentenced to a term of four days in the Panola County jail with credit for time served. According to the Judgment in Cause No. 27359-C, the sentence also includes the charge of Tampering with Physical Evidence, which occurred in Panola County, Texas, on or about March 9, 2012; (2) Defendant submitted urine specimens that tested positive for methamphetamine on the following dates: April 3, 2012, April 12, 2012, April 18, 2012, and July 3, 2012; (3) Defendant submitted urine specimens that tested positive for methamphetamine on the following dates April 3, 2012, April 12, 2012, April 18, 2012, and July 3, 2012.

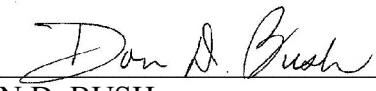
At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation

of this Court. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the October 30, 2012 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in the Fannin County Jail, if appropriate.

SIGNED this 6th day of November, 2012.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE